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WATER RIGHTS
SALT LAKE

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ATTORNEY GENERAL
JUDICIAL DEPARTMENT

IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY

STATE OF UTAH

IN THE MATTER OF THE GENERAL	)	PETITION TO APPROVE 1998
DETERMINATION OF ALL THE	)	COMMISSIONER'S REPORT, 1999
RIGHTS TO THE USE OF WATER	)	BUDGET AND SCHEDULE OF ASSESS-
BOTH SURFACE AND UNDERGROUND	)	MENTS, 1999 SCHEDULE OF DIS-
WITHIN THE DRAINAGE AREA OF	)	TRIBUTION AND REQUEST TO
THE UINTAH BASIN IN UTAH	)	APPOINT THE 1999 RIVER COMMIS-
	)	SIONER FOR THE UINTA AND
	)	WHITEROCKS RIVERS
)	
	)	Docket No. 3070
	)	Judge John R. Anderson
)	

Petitioner and the Committee for the Uinta and Whiterocks Rivers, submit herewith the 1998 Annual Report of the Commissioner, the proposed 1999 Budget and Schedule of Assessments, and the 1999 proposed Schedule of Distribution, in accordance with the Interim Distribution Order signed by the Court on May 18, 1998. Petitioners, also, request the Appointment of the River Commissioner for the year 1999.

In support of this Petition, Petitioners represent to the Court that;

1. By its Interim Order dated May 18, 1998, a committee of water users for the Uinta and Whiterocks Rivers was organized under the direction of this Court. Petitioner Lynn Hansen, is Chairman of the committee appointed by this Court to support the River Commissioner and to aid in carrying out the orders of this Court, in connection with the distribution system for the waters of the Uinta and Whiterocks River systems.

2. The Committee of the Uinta and Whiterocks Rivers met in March of 1999 and Petitioner Lynn Hansen was elected Chairman of that committee and is authorized to file this Petition on behalf of said committee.

3. The committee received and approved the 1998 report of the administration of the waters of the Uinta and Whiterocks Rivers by Shane Hamblin, the River Commissioner for the year 1998. A copy of that report is filed herewith.

4. The committee reviewed and approved a budget, with schedule of assessments, for the expenses of the River Commissioner

for the year 1999. The Budget and Schedule of Assessments are attached hereto as "Exhibit A" to the Petition.

5. The committee has reviewed and approved, after consultation with the Utah State Engineer, a proposed Schedule of Distribution of the Waters of the Uinta and Whiterocks Rivers and recommends it to the Court, for the year 1999. The proposed Schedule of Distribution is attached hereto as "Exhibit B".

6. The committee voted to recommend to the Court the appointment of Shane Hamblin as River Commissioner of the Uinta and Whiterocks Rivers, for a term of one (1) year. Petitioner further alleges that Shane Hamblin is a competent and qualified person to act as said River Commissioner.

7. It is requested by the committee, if for any reason the River Commissioner does not complete his term of office or is unable to fulfill his obligations as Commissioner, that the committee be authorized to select a temporary replacement River Commissioner.

8. The committee requests that the Interim Order entered for the irrigation year of 1998 be reaffirmed and made applicable for the 1999 irrigation year, in the following respects:

a. It is requested that the River Commissioner be allowed to distribute the water of the streams and reservoirs involved in accordance with this Court's Interim Order and to do all things necessary for the proper and correct measurement, diversion and distribution of said waters, in accordance with the Decrees of the Federal District Court and state laws.

b. That the River Commissioner be directed to confer with the respective committees in developing a schedule for distribution of water, specifically, the manner in which the waters of the Uinta and Whiterocks Rivers, and their tributaries, should be distributed, after consultation with the State Engineer, and shall submit annually a recommended Interim Distribution Order to this Court for its consideration.

c. That the River Commissioner be directed to deliver and distribute the waters of such non-Federal water rights in the Uinta and Whiterocks Rivers, in accordance with the proposed Schedule of Distribution, attached hereto as "Exhibit B".

d. That the waters for the Federal and non-Federal water rights be distributed in accordance with the terms and limitations of the 1923 Federal Court Decrees in cases numbered 4437 and 4418.

e. That the River Commissioner be required to work with the respective committees to prepare a recommended budget to be submitted to the Court along with a recommended annual budget. Said annual report and recommended budget are to contain assessments made, monies received, along with a report of expenditures. The Court, after receiving the proposed annual budget, shall provide a thirty (30) day period for objections to be filed.

f. Upon approval by the Court, the River Commissioner be authorized to manage the budget, to implement the ordered assessments and collection of assessed amounts from the non-Federal water user organizations or water users, and request assessment and collection from the Bureau of Indian Affairs on the Uintah Indian Irrigation Project, in accordance with the approved budget and schedule of assessment.

g. Any person or entity, which is a water user in the subject rivers, or otherwise affected by the actions of the River Commissioner, may petition and appear before this Court (about the assessment amounts, the manner in which the water is distributed and/or any other claim relating to the distribution of water). In

the event there is a violation of the Court's Order or any part of this Petition or, in the opinion of the River Commissioner, the occurrence of the unauthorized use of water, the River Commissioner be directed to recommend to this Court a solution to the problem, including any remedy to be imposed on the unauthorized water user or violator of the Order.

h. If a non-Federal water user fails to pay any assessments levied, when due, that water users further use of water be prohibited.

WHEREFORE, Petitioner prays as follows:

1. That the 1998 report of the administration of the waters of the Uinta and Whiterocks Rivers be approved, as submitted and filed herewith.

2. That the 1999 Budget and Schedule of Assessments, be approved, as submitted and attached hereto as "Exhibit A".

3. That the proposed 1999 Schedule of Distribution of Waters of the Uintah and Whiterocks Rivers be approved, as submitted and attached hereto as "Exhibit B".

4. That Shane Hamblin be appointed to serve as River Commissioner of the Uinta and Whiterocks Rivers, for a period of one (1) year.

5. That the Committee for the Uinta and Whiterocks Rivers be authorized to appoint a temporary replacement should the River Commissioner be unable to complete the one (1) year term.

6. That the applicable provisions of the 1998 Interim Order, as presented herein, be reaffirmed and made effective for the year 1999.

DATED this 1ST day of April, 1999.

McKEACHNIE, ALLRED,
McCLELLAN & TROTTER, P.C.
Attorneys for Petitioners

By: Gayle McKeachnie
Gayle R. McKeachnie

By: Lynn Hansen
Lynn Hansen
Chairman of the Committee
for the Uintah and White-
rocks Rivers

"EXHIBIT A"

Uinta and Whiterocks
River Commissioner's
1999 Budget

Salary	\$31,380.00	
Mileage	\$ 6,000.00	
F.I.C.A.	\$ 2,400.60	
Workers' Comp. Ins.	\$ 1,399.55	
Office Expenses	\$ 600.00	
Association of Water Users ¹	\$ 1,375.00	
Clock Repairs	\$ 1,000.00	
Publish Annual Report	\$ 200.00	
Mt. Res. Insp.	\$ 350.00	
Phone	\$ 900.00	
Miscellaneous	\$ 200.00	
Retirement	\$ 2,000.00	
Legal Fees	\$ 1,000.00	
Computer	\$ 500.00	
Payment of a loan to Associated Water Users		\$ 5,000.00
Contingency Fund		\$ 3,237.61
TOTAL BUDGET EXPENSES	<u>\$49,305.15</u>	
TOTAL EXPENSES		<u>\$57,542.76</u>

¹The committee has elected to utilize the services of the Associated Water users Association of the Uinta and Whiterocks River drainage for secretarial work, as well as, for the collection of water assessments of their members.

"EXHIBIT A"

Uinta and Whiterocks
River Commissioner's
1999 Schedule of Assessments

Fund on hand at the beginning of the year carried forward of unused 1998 budgeted funds		\$3,237.61
River Fund carry forward		\$5,000.00
Bastian, Keith	\$ 41.91	
Big Six Ditch	\$ 176.51	
Coltharp Ditch	\$ 195.25	
Dry Gulch Uintah	\$10,091.78	
Durigan Ditch Co.	\$ 121.29	
Hall & Lee Ditch Co.	\$ 106.99	
Harris Irrigation Co.	\$ 344.64	
Howard Horrocks	\$ 123.76	
Larson Ditch Co.	\$ 101.57	
Marimon	\$ 149.89	
Ouray Park Irr. Co.	\$ 5,304.73	
T N Dodd Irr. Co.	\$ 408.25	
Uintah Independant Ditch Co.	\$ 1,901.21	
Uinta River Irr. Co.	\$ 1,164.59	
Ute Indian Irr. Project	\$24,967.63	
Whiterocks Irr. Co.	\$ 4,105.15	
Total Assessments	<u>\$49,305.15</u>	
Total Funds on Hand		\$57,542.76
		=====

"EXHIBIT B"

Note: Under Federal Court Decree Flow Totals 495.68 C.F.S. and the period of use "shall not begin before the first day of March or end later than the first day of November.

Appl. No.	Appropriator	Cent. No.	Flow C.F.S.	Period of Use	Proof Acres	Canals
627	Dr. Gulch, Irr. Co.	2081	21.33	4-1 to 10-31	1,546.80	No. 1: Primary right: 2-1/4 ac. ft.
727		2245	44.00		3,078.75	Utintah & No. 1 Suppl
727-a		2068	4.80		335.87	Bench: Primary right 2 ac. ft.
3062		1260	5.80	3-1 to 11-30	2,840.60	Cedarnew
1149	Utintah Independent Ditch Co.	1372	9.20	4-1 to 10-15	407.00	Utintah Independent
544		1550	2-1/7		648.58	Utintah Independent
7210		1292	3.57	4-15 to 10-15	160.00	
7729		1282	4.57		250.00	Utintah Independent
8021		1699	5.06	4-1 to 11-1	320.00	
9522		5677	48.00	3-15 to 10-15	353.80	Ouray Park (Proof not made)
1419	Ouray Park Irrigation Co.		42.00	3-15 to 10-15		Ouray Park (Proof not made)
2043			95.00	3-1 to 12-15		Whiterocks-Ouray (Proof not Made)
10111			95.00			
10111-a			10.00			Ouray Park (Filing on Deep Ck.)
11550			40.00	2-1 to 12-15	580.00	Ouray Park (Proof not made)
1852	T. N. Dodd Irrigation Co.	1537	8-2/7	4-1 to 11-1	187.00	T. N. Dodd
4929		1535	2.68	4-15 to 10-15	85.16	
513	United States	118	1-6/7	3-1 to 10-1	2,043.55	Moffat
314	Utintah River Irrigation Co.	1261	25.00	5-1 to 10-1		
515	U. S. Bureau of Indian Affairs	12C	85	1-1 to 12-31	127.00	Durigan
546	Thomas Durigan	185	1-5/7	4-1 to 10-15	160.00	Utintah Independent Canal
586	Charles F. Keil	621	2.27	3-1 to 11-1	3,503.21	Whiterocks - Ouray
644	Whiterocks Irrigation Co.	1738	50.00	4-1 to 11-15	160.00	Utintah Independent
719-a	H. B. Lloyd	273	2-1/3	4-1 to 10-31	860.82	T. N. Dodd
727-c	Morehouse, Dye & Lynn	1677	13.73	4-1 to 10-31	232.80	Big Six
759	J.W. Cook & T. S. Gunn	368	3.3/7	4-15 to 10-1	160.00	Utintah Independent Canal
759-a	John H. Cook	538	2.27	4-15 to 10-1	2,308.45	Whiterocks - Ouray
769	Whiterocks Irrigation Co.	1739	33.00	4-1 to 11-15	150.00	Henry Jim Canal
903	George Taylor	1303	2.14	4-1 to 10-1	171.48	Whiterocks - Ouray
904	Wayland F. Webb	211	2-31/70	4-1 to 11-30	100.00	Utintah Independent
1079	John A. Olsen	175	1.43	4-1 to 10-31	156.48	Big Six
1094-a	Less O'Driscoll	176	2-2/7	4-1 to 9-15	72.70	
1135	Henry P. Olsen	291	1.20	4-1 to 10-31		Utintah Independent
1576	S.H. Pullin & A.F. Rasmussen	1416	4.57	4-1 to 9-30	320.00	Big Six

1813	George Q. Allied	294	1.43	4-1 to 10-31	100.00	Uintah Independent
1947	Whiterocks Irrigation Co.	1740	9.60	4-1 to 11-30	671.16	Whiterocks - Ouray
2234	John J. Nielson	982	2.28	3-15 to 10-15	160.00	Uintah Independent
2704	R. L. Mairmon & R. Forsythe	275	4.05	3-1 to 10-31	283.40	Mairmon
3007	Minnie B. Peterson	815	2.50	4-1 to 10-31	160.00	Big Six
3008	Joseph N. Seeley et al	1522	8.77	4-1 to 10-31	614.20	Uintah Independent
3319	Ralph S. Mairmon	416	1.00	3-1 to 11-1	68.70	Mairmon
5508	W. H. & Hattie Coltharp	630	4.57	4-1 to 9-30	320.00	Uintah Independent
6695	Hall & Whitlock	1136	2.21	4-15 to 10-15	154.61	Hall & Lee
7440	R. L. Mairmon	1026	.70	4-1 to 11-1	45.00	Mairmon
7797	Uintah Power & Light Co.	2163	28.32	1-1 to 12-31		
9510	Ephram & Grand Rasmussen	1743	.572	4-1 to 11-1	40.00	Deep Creek Canal
Appl. Number	Appropriator	Cert. Number	Filing Acre Feet	Storage Period	Proof Acre Feet	Name of Reservoir or Comment
6485	Whiterocks Irrigation Co.	6368	5.000	1-1 to 12-31		Paradise Park
6902			1.000			Chepeta Lake
8285			300			Moccasin Lake
8286			250			Papoose Lake
8287			200			Wigwam Lake
13548			1.000			Chepeta Lake
13998			1.000			
7839	Dry Gulch Irrigation Co.	1807-a	500	10-15 to 6-15	500	Lower Chain Lake
7840		2144			500	Upper Chain Lake
8223		1754		11-1 to 4-1	216	Crescent Lake
8224		2146			750	Fox Lake
8327		2170		1-1 to 12-31	330	Lower Chain Lake
8328		2085		10-15 to 6-15	20	Upper Chain Lake
8330			1.000			Uintah River - Montez Creek
9103			1.000			Amwood Lake
10705			1.500			Amwood Lake & Elbow
9102	Utah Water & Power Board	4250				Queant, Cleveland, Cliff
9670	Ouray Park Irrigation Co.	10.000		1-1 to 12-31		Whiterocks River, Filing on Uintah River, Filing on
9670-a		10.000				Cliff, Whiterocks & Elbow Lake
11423		2.100		1-1 to 12-31		Filing on Deep Creek
11550		1.300				Uintah Riv. & Uintah Deep Spring
11930		2.500		11-1 to 3-31		

Appl. Number	Appropriator	Cert. Number	Filing Acre Feet	Storage Period	Proof Acre Feet	Name of Reservoir or Comment
11330	U.S.A. Indian Irr. Service		4,500	11-1 to 7-1	Lapsed	Queen & Cleveland Lakes
12934	CO Riv. Great Basin W. U. Assn		1,500,000	1-1 to 12-31	Reflected	Green Riv. & other Basin Stm.
17168	Jay Larson				Lapsed	10 Sec. Feet
17445	J. R. Mahoney				Unapproved	All Utah Basin Streams
18043	U.S. Bureau of Rec.		800,000	1-1 to 12-31		
18384	Tridell-Lapoint Water Imp. Dist		1.00	1-1 to 12-31		
21672	Culbert L. Olsen				Lapsed	267 Sec. Feet
36604	SI of UT Brd of Water Res.		250.00	4-1 to 10-31		Cedarview Canal
36628	Whiterocks Irrigation Co.		4,460.00	1-1 to 12-31		Whiterocks - Ouray

APPLICATIONS FOR APPROPRIATION OF WATER FROM UTAH AND WHITEROCKS RIVERS								
Appl. No.	Appropriator	Cert. No.	Priority	Flow (cfs) (ac. ft.)	Period of Use	Proof Acres	Canals	
43-511 A31881 a15950	Whiterocks Irrigation Co. (Merkley Drop Reservoir)	Proof Due 6/30/99	4/21/60	3000 af	4/1 - 10/31	7459.81	Whiterocks - Ouray	
43-3161 A7420	Jay and Minnie Schulthes Fix., Ashton, and Nash	1026	7/30/17	0.7 cfs	4/1 - 11/1	57.55	Dich (Whiterocks Rv)	
43-3311 A17259	Moon Lake Electric Assoc.	Election	2/6/46	56.48 cfs	1/1 - 12/31	Power Plant	Uintah River	
43-3610 A32943	Uintah River Irrigation Co. (E & W Cottonwood Res.)	Election	4/14/61	5.0 cfs	3/15-11/15(I) 1/1-12/31(D)	2043.55	Moffat Canal	
43-3720 A35504	Whiterocks Irrigation Co. (Lapoint Reservoir)	Election	8/8/63	5.0 cfs	4/1 - 11/1(I) 1/1-12/31(M) 1/1-12/31(S)	6641.56	Whiterocks & Ouray Valley Canal	
43-3811 A36603	Moon Lake Water Users Association	Proof Due 6/30/99	12/7/64	100 cfs 2500 af	4/1 - 10/31	2500.00	Uintah No. 1 Canal	
43-3813 A36605	Moon Lake Water Users Association	Proof Due 6/30/2001	12/7/64	100 cfs 2500 af	4/1 - 10/31	3000.00	Uintah Canal	
43-3819 A36626 a15951	Whiterocks Irrig. Co (Merkley Drop Res)	Proof Due 6/30/99	12/22/64	4460 af	3/15-11/1 (I) 1/1-12/31(D) 1/1-12/31(S)	6203.80	Whiterocks & Ouray Valley	
43-10300 A65493	USA Forest Service	Proof Filed	6/28/91	0.5 cfs	1/1-12/31 for non-consump	Fish Culture	Power Diversion (Uintah River)	
43-10691 A70730	Clark L. Rasmussen	Proof Due 6/30/2001	3/17/97	0.25 cfs	1/1-12/31 for non-consump	Fish Culture	Pump (Uintah River)	

MAILING CERTIFICATE

STATE OF UTAH)
) ss.
COUNTY OF DUCHESNE)

Heather B. Hoyt, being duly sworn, says:

That she is employed in the office of McKEACHNIE, ALLRED, McCLELLAN & TROTTER, P. C. attorneys for Petitioners, herein; that she served the attached PETITION TO APPROVE THE 1998 COMMISSIONER'S REPORT, 1999 BUDGET AND SCHEDULE OF ASSESSMENTS, 1999 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 1999 RIVER COMMISSIONER FOR THE UINTA AND WHITEROCKS RIVERS, by placing a true and correct copy thereon in an envelope addressed to:

Lynn Hansen
Bureau of Indian Affairs
P O Box 130
Ft. Duchesne, UT 84026

Stephen Roth
Assistant U.S. Attorney
185 South State, Suite 400
Salt Lake City, UT 84111

William R. McConkie
Office of the Solicitor
125 South State Street
Salt Lake City, UT 84138

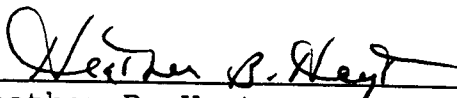
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Shane Frost
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HCR 69 Box 166
Randlett, UT 84063

David Murray
Whiterocks Irrigation Co.
P O Box 146
Lapoint, UT 84039


Associated Water Users
Dry Gulch Irrigation
P O Box 265
Roosevelt, Utah 84066

and deposited the same, sealed, with first class postage prepaid thereon, in the United States mail at Roosevelt, Utah, on the 1ST day of ~~March~~ ^{APRIL}, 1999.


Heather B. Hoyt

Subscribed and sworn to before me this 1ST day of ~~March~~ ^{APRIL}, 1999.

My commission expires:


Notary Public
Residing at Roosevelt, UT

